

08/26/99

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EXPRESS MAIL NO.: EL348125507US  
ATTORNEY DOCKET NO. 14028.0292  
SERIAL NO. 08/843,409  
PAGE 1 OF 3 (08/26/99)

CONTINUING APPLICATION TRANSMITTAL FORM  
(37 C.F.R. § 1.53(b))

ANTICIPATED CLASSIFICATION OF THIS APPLICATION:

CLASS: 424

SUBCLASS: 178.1

PRIOR APPLICATION: 08/843,409

EXAMINER: S. Unger

ART UNIT: 1642

To the Assistant Commissioner for Patents:

This is a request for filing a divisional application under 37 C.F.R. 1.53(b), of pending prior application serial No. 08/843,409 filed on April 15, 1997, of David M. Neville, Judith M. Thomas and Stuart Knechtle for "METHODS OF INDUCING IMMUNE TOLERANCE USING IMMUNOTOXINS."

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a).

2. The inventor(s) of the invention being claimed in this application is(are): David M. Neville, Stuart Knechtle and Judith M. Thomas

3A. ☒ This application is a continuation or divisional application (not a continuation-in-part) that:

- (i) names as inventors the same or fewer than all of the inventors named in the prior application; and
- (ii) contains no matter that would have been new matter in the prior application; and
- (iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed:

☒ is enclosed.  
☐ will follow.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application:

-OR-

3B. ☐ This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration:

☐ is enclosed.  
☐ will follow.

4. ☐ Amend the Title of the Invention as follows:

5. ☒ Amend the specification by inserting before the first line the sentence:

This application is a divisional of, and claims the benefit of, application serial No. 08/843,409, filed April 15, 1997, which status is pending, which application is hereby incorporated herein by reference.

6. ☐ Priority of foreign application number, filed on in is claimed under 35 U.S.C. 119.

☐ The ☒ certified copy has been filed in prior application Serial No., filed on .

7. ☒ Cancel in this application original claims 11-21 and 23-25 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

8. ☒ A preliminary amendment is enclosed.

9. ☐ New formal drawings are enclosed.

10. ☐ Also enclosed is/are:

11. ☒ The prior application is assigned of record to: The Government of the United States of America, as represented by The Secretary, Department of Health and Human Services, c/o National Institutes of Health, Office of Technology Transfer, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852

12. ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27:

☐ is enclosed

☐ was filed in prior application Serial Number and such status is still proper and desired (37 C.F.R. 1.28(a)).

13. The filing fee is calculated as follows:

TOTAL CLAIMS	11 - 20 = 0	0	x \$18.00	\$0
INDEPENDENT CLAIMS	1 - 3 = 0	0	x \$78.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =			+ \$260.00	\$
BASIC FEE =				\$760.00
TOTAL OF ABOVE CALCULATIONS =				\$760.00
REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. 1.9, 1.27, 1.28) IF APPLICABLE, AFFIDAVIT MUST BE FILED ALSO.				\$0
TOTAL NATIONAL FEE =				\$760

14. ☒ A check in the amount of \$760.00 is enclosed.

15. ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account No. 14-0629.

16. ☒ The Power of Attorney in the prior application is to: William H. Needle (Reg. No. 26,209); Sumner C. Rosenberg (Reg. No. 28,753); David G. Perryman (Reg. No. 33,438); Mitchell A. Katz (Reg. No. 33,919); Gregory J. Kirsch (Reg. No. 35,572); Gwendolyn D. Spratt (Reg. No. 36,016); Nagendra Setty (Reg. No. 38,300); Allan A. Altera (Reg. No. 40,274); Bryan W. Bockhop (Reg. No. 39,613); John L. Capone (Reg. No. 41,656); Kean J. DeCarlo (Reg. No. 39,954); LaVonda R. DeWitt (Reg. No. 40,396); D. Andrew Floam (Reg. No. 34,597); Bradley K. Groff (Reg. No. 39,695); Matthew D. Josephic (Reg. No. 43,699); David S. Kerven (Reg. No. 43,712); Janice A. Kimpel (Reg. No. 42,734); Tina W. McKeon (Reg. No. 43,791); Mary L. Miller (Reg. No. 39,303); Mark A. Murphy (Reg. No. 42,915); Lisa A. Samuels (Reg. No. 43,080); Clark G. Sullivan (Reg. No. 36,942); Elket V. Swope (Reg. No. 40,195); Lawrence A. Villanueva (Reg. No. 43,968); Mark A. Westhafer (Reg. No. 42,220);

- a. ☐ The Power of Attorney appears in the original papers in the prior application.
- b. ☒ Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Gwendolyn D. Spratt, Esq.  
NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, GA 30303-1811

17. I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Gwendolyn D. Spratt  
REG. NO. 36,016



SIGNATURE

DATE

8-26-99

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 C.F.R. 1.34(a)  
(Registration No. is acting under 37 C.F.R. 1.34(a):

EXPRESS MAIL NO. EL348125507US

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL348125507US in an envelope addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

  
Kevin Lightburn

26 Aug '99  
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.  
 Suite 1200, The Candler Building  
 127 Peachtree Street, N.E.  
 Atlanta, Georgia 30303-1811

April 15, 1997

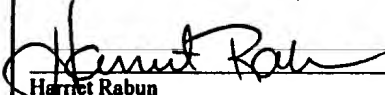
Dear Sir:

Transmitted herewith for filing are the specification and claims of the patent application of:

Inventor(s): DAVID M. NEVILLE and STUART KNECHTLE

Title of Invention: METHODS OF INDUCING IMMUNE TOLERANCE USING  
 IMMUNOTOXINS

Also enclosed are:

X	24 SHEETS OF	<input checked="" type="checkbox"/> [ X ] FORMAL DRAWINGS	<input type="checkbox"/> [ ] INFORMAL DRAWINGS
	OATH OR DECLARATION OF APPLICANT(S)		
	A POWER OF ATTORNEY		
	A PRELIMINARY AMENDMENT		
	A VERIFIED STATEMENT TO ESTABLISH SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9 AND §1.27		
	A CHECK IN THE AMOUNT OF TO COVER THE FILING FEE.		
	THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED IN CONNECTION WITH THE FOLLOWING OR CREDIT ANY OVERPAYMENT TO ACCOUNT NO.		
	A CERTIFIED COPY OF PREVIOUSLY FILED FOREIGN APPLICATION NO. FILED IN ON .		
X	I hereby certify that this correspondence is being placed in the United States Mail as Express Mail No. EM424295393US on <u>15</u> day of <u>April</u> , 1997.  Harriet Rabun		
	DATE <u>4/15/97</u>		
X	A computer readable form of the sequence listing in compliance with 37 C.F.R. § 1.821(e) was filed with the provisional application, Ser. No. 60/015,459, on April 15, 1996. The content of the computer readable form of the sequence listing and the sequence listing in the specification of the application as filed are the same.		
	OTHER (IDENTIFY)		

**The filing fee is calculated as follows:**

**CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT**

TOTAL CLAIMS = 25 - 20 = 5 x \$22.00 =	110.00
INDEPENDENT CLAIMS = 1 - 3 = 0 x \$80.00 =	0
BASIC FEE =	\$770.00
TOTAL OF ABOVE CALCULATIONS =	880.00
REDUCTION BY 1/2 FOR SMALL ENTITY =	
TOTAL FILING FEE =	\$880.00

**Respectfully submitted,**

Gwendolyn D. Everett

**Gwendolyn D. Spratt**  
Registration No. 36,016

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